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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,282	09/21/2001	Brian Sagar	069918.00000	2554
35979	7590	06/07/2006		
BRACEWELL & GIULIANI LLP P.O. BOX 61389 HOUSTON, TX 77208-1389			EXAMINER COLE, ELIZABETH M	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/889,282	SAGAR, BRIAN	
	Examiner	Art Unit	
	Elizabeth M. Cole	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57, 59-90 and 92-141 is/are pending in the application.
- 4a) Of the above claim(s) 74-80 and 105-112 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 57, 59, 61-73, 81-90, 92-104 and 113-141 is/are rejected.
- 7) ☒ Claim(s) 60 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 57, 59, 61, 64-73, 113, 115, 124, 125-127, 131-132, 139-141, 119-121, 128-130, 136-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 02-043275 in view of Rizika et al, U.S. Patent No. 5,650,213 for the reasons set forth in paragraph 1 of the previous action, and further in view of Shimomura et al, U.S. Patent No. 5,354,369 and Bondurant, U.S. Patent No. 5,268,025. JP '275 discloses an ink composition as set forth above. JP '275 differs from the claimed invention because it does not disclose including a humectant such as urea in the composition and does not teach including a buffering agent. Shimomura et al teaches that humectants such as urea as well as buffering agents are conventionally included in ink compositions. While Shimomura does not explicitly teach including ammonium phosphate or sodium phosphate, it generically teaches phosphate buffers. Bondurant teaches that ammonium and sodium phosphate buffers are known to be useful in ink compositions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a humectant such as urea as well as a phosphate buffer in the ink composition of JP '275, motivated by the expectation that these elements are conventionally included in ink compositions in order to improve the properties of the inks.

3. With regard to the claimed viscosity, Rizika teaches including thickeners in the composition in order to control the viscosity and therefore, either the claimed viscosity would inherently be present or else it would have been obvious to have controlled the viscosity through the use of thickeners which produced a product having the desired viscosity.
4. With regard to the recitation that the plastisol is nonflammable, since Rizika teaches the same binders, it is reasonable to presume that these would also be nonflammable.
5. With regard to the limitation that the ink is a one pack ink JP '275 and Rizika teach one pack inks.
6. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '275 in view of Rizika, Shimomura et al, U.S. Patent No. 5,354,369 and Bondurant, U.S. Patent No. 5,268,025 as applied to claims above, and further in view of Yoshida et al, U.S. Patent No. 4,985,484 as set forth in paragraph 2 of the previous action.
7. Claims 63, 81-104, 114, 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '275 in view of Rizika, Shimomura et al, U.S. Patent No. 5,354,369 and Bondurant, U.S. Patent No. 5,268,025 as applied to claims and further in view of WO 95/14248 as set forth in paragraph 3 or the previous action.
8. Claims 117-118, 122-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '275 in view of Rizika, Shimomura et al, U.S. Patent No. 5,354,369 and Bondurant, U.S. Patent No. 5,268,025 as applied to claims above, and further in view of JP 02300253. JP '275 does not teach employing a silane coupling

agent. JP '253 teaches that silane coupling agents were art recognized equivalents to blocked isocyanate coupling agents in the art of forming ink compositions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a silane coupling agent as the coupling agent in the composition of JP '275, motivated by the teaching that silane coupling agents were known to be equivalents to the blocked isocyanate coupling agents disclosed in JP '275.

9. Claim 60 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the cited art teaches a combination of a polyvinylidene chloride copolymer as the binder and a mixture of aminoalkylsilanetriol and a block hexamethylene diisocyanate trimer as the coupling in the ink composition as set forth in claim 57.

10. Applicant's arguments filed 3/31/06 have been fully considered but they are not persuasive. Applicant's argument that none of the references teach a buffer are moot in view of the new grounds of rejection. With regard to the metallized beads, Rizika teaches the metallized beads and teaches pretreating the beads with coupling agents including aminopropyltriethoxysilane in order to improve the adhesion of the metal coating. See col. 8, lines 47-65.

11. Applicant argues that with regard to the claimed ink viscosity, none of the cited art teaches the claimed viscosity. However, Rizika teaches including thickeners in the composition in order to control the viscosity and therefore, either the claimed viscosity

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would inherently be present or else it would have been obvious to have controlled the viscosity through the use of thickeners which produced a product having the desired viscosity.

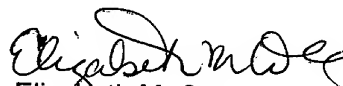
12. Applicant argues that the cited art do not teach the claimed buffering agents or humectants. These arguments are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.


Elizabeth M. Cole
Primary Examiner,
Art Unit 1771

e.m.c